

**Mississippi Secretary of State**  
700 North Street P. O. Box 136, Jackson, MS 39205-0136

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

AGENCY NAME MS Department of Agriculture and Commerce/Bureau of Plant Industry		CONTACT PERSON John Campbell	TELEPHONE NUMBER 1-888-257-1285	
ADDRESS P.O. Box 5207		CITY MS State	STATE MS	ZIP 39762
EMAIL JohnCa@mdac.state.ms.us	SUBMIT DATE 11/10/11	Name or number of rule(s): MDAC Rules Subpart 3, Chapter 8 Section 113, "Pesticide Management and Disposal"		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The adoption of the federal rule is required by federal law for the Department to enforce rules regarding pesticide management and disposal. The previous rule left out certain sections of the federal rule.

Specific legal authority authorizing the promulgation of rule: *Miss. Code Ann. §69-23-9*

List all rules repealed, amended, or suspended by the proposed rule: Sections 113.01, 113.02

**ORAL PROCEEDING:**

☐ An oral proceeding is scheduled for this rule on Date: \_\_\_\_\_ Time: \_\_\_\_\_ Place: \_\_\_\_\_

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

**ECONOMIC IMPACT STATEMENT:**

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	<b>Action proposed:</b> _____ New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) _____ Repeal of existing rule(s) <input checked="" type="checkbox"/> Adoption by reference <b>Proposed final effective date:</b> <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____	<b>Date Proposed Rule Filed:</b> _____ <b>Action taken:</b> _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed <b>Effective date:</b> _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Lester Spell Jr., D.V.M., Commissioner

Signature of person authorized to file rules:

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
Accepted for filing by		Accepted for filing by

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMAN  
Secretary of State

**FILED**  
NOV 10 2011  
MISSISSIPPI  
SECRETARY OF STATE

## CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME	CONTACT PERSON	TELEPHONE NUMBER
MS Department of Agriculture	John Campbell	1-888-257-1285
ADDRESS	CITY	STATE
P.O. Box 5207	MS State	MS
EMAIL	DESCRIPTIVE TITLE OF PROPOSED RULE	ZIP
JohnCa@mdac.state.ms.us	Pesticide Management and Disposal	39762

Specific Legal Authority Authorizing the promulgation of Rule: Miss Code Ann §69-23-9

Reference to Rules repealed, amended or suspended by the Proposed Rule: MDAC Rules, Subpart 3, Ch.08, Section 113.01, 113.02

### A. Estimated Costs and Benefits

#### 1. Briefly Summarize the benefits that may result from this regulation and who will benefit:

The proposed rule will serve to minimize the impact to the environment if a pesticide spill was to occur. The citizens of the State of Mississippi will benefit from the proposed rule.

#### 2. Briefly describe the need for the proposed rule:

The proposed rule is mandated by the federal government and by adopting this rule, allows Mississippi pesticide inspectors to conduct the required inspections.

#### 3. Estimated Cost of implementing proposed action (check option):

##### a. To the agency

☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

##### b. To other state or local government entities

☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

#### 4. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:

##### c. Cost:

☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive

##### d. Economic Benefit:

☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive

#### 5. Estimated impact on small business:

☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive

#### 6. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule: substantially less than ☐ moderately less than ☐ minimally less than

☒ the same as ☐ minimally more than ☐ moderately more than

☐ substantially more than ☐ excessively more than



7. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule: substantially less than ☐ moderately less than ☒ minimally less than ☐  
☐ the same as ☐ minimally more than ☐ moderately more than ☐  
☐ substantially more than ☐ excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of ~~the~~ proposed rule? ☒ no
2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule.

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form.
- Knowledge of cost of inspections and costs associated with companies complying.

D. Public Notice

1. Where may someone obtain copies of the full text of the economic impact statement?

MS Department of Agriculture/Bureau of Plant Industry, P.O. Box 5207, Mississippi State, MS 39759

2. Where, when, and how may someone present their views on the proposed rule and demand an oral proceeding on the proposed rule if one is not already provided?

In person on December 7, 2011, @10:00 a.m. @ 121 N. Jefferson Street, Jackson, MS 39215 or in writing to P.O. Box 1609, Jackson, MS 39215.

DATE: 11/10/11

PROPOSED EFFECTIVE DATE:  
1/12/11

*Lester Spalding, Jr.*

Commissioner of Agriculture

